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TEACHING MARITIME LAW: REFLECTIONS OF A NEAR LIFETIME

FRANK L. MARAIST*

INTRODUCTION

These comments explore the “why” and “how” of teaching admiralty law from the viewpoint of one who has been involved with the task for much of a long lifetime. There are certainly others more learned in the subject of admiralty law and more skilled in teaching it to law students. However, my experiences as a practicing attorney and as a classroom teacher in the subject at five law schools for over a forty-year span have given me some opinions on how maritime law can be taught generally to a law student.

When first offered this assignment, I thought that it would be fairly simple to write about how admiralty law should be taught. Several rewrites have shown me that it probably is easier to teach admiralty law than to suggest to others how it should be taught. This final effort addresses why we teach admiralty law in a law school setting, what it is that we teach, when in a law school curriculum it should be taught, and some potential ways to teach it.

The first observation—why professors teach admiralty law—should begin with an understanding of what is the role of admiralty or maritime law¹ in American law. One perhaps should first explain how to avoid misnomers. The subject often is referred to, erroneously, as the “Law of the Sea.” However, the term “Law of the Sea” generally encompasses the international law and national law that govern the use of the high seas and their resources by nations and the regulation of high seas shipping. Admiralty law does involve the law governing occurrences at sea, but is not limited to the traditional disputes arising out of the transportation of cargo and the care of passengers and “blue water” seamen from one nation to another. American admiralty law includes tort and contract law that can impact the claims of persons and property many miles from the sea, and in many cases it does not concern the transportation of goods over water. The general maritime law, as opposed to the “Law of the Sea” and American admiralty law, is a synthesis of the rules that generally

* The author thanks Tom Galligan, Catherine Maraist, and Bill Corbett, his co-authors in maritime and other treaties, for their helpful comments.

1. The terms “admiralty” and “maritime” generally are used interchangeably, at least as to legal issues.

regulate maritime commerce between seafaring nations. American admiralty law is primarily federal law, and thus, it impacts and often supersedes the effect of state law upon the resolution of other diverse American legal issues. Those issues might involve gambling on a houseboat far inland or injury to a water skier on the ocean (or on an inland lake, or on a stream a thousand miles from the ocean shores of the United States) or an explosion on an oil-drilling platform a hundred miles from those shores.

These examples illustrate the first point—why admiralty or maritime law should be a staple in United States law schools. The reason, primarily, is that American admiralty law has become a third jurisdiction to American lawyers—one that often will supplant other federal or state law. The practicing lawyer or judge need not necessarily be skilled in all of the innuendoes of this third jurisdiction. But to avoid malpractice or judicial error, he or she must be aware that such jurisdiction may exist in a certain matter and that its dictates could resolve the issue in a particular case. In these cases, federal law preempts otherwise applicable state law or foreign law.

The teaching of admiralty must begin with an explanation of the source of American admiralty law—a clause in the United States Constitution² that apparently was designed to provide a forum for multi-state or multi-national conflicts that impact maritime shipping and commerce. That constitutional provision for a federal forum soon became a springboard to federal substantive law, long before the interstate Commerce Clause of the federal Constitution received its broad reach. At a time before the state and national road systems were developed, goods moved on water, and the provision of federal jurisdiction over that transportation was critical to the development of both a strong federal government and coherent, consistent rules for domestic and international American commerce.

However, the comprehensive nature of American admiralty law had its real genesis in United States Supreme Court decisions that defined navigable waters as any waters that, alone or in conjunction with other streams, can serve as a highway of commerce between two or more American states or between an American state and a foreign nation,³ and other Supreme Court decisions

2. See U.S. CONST. art. III, § 2, cl. 3 (“The judicial Power shall extend . . . to all Cases of admiralty and maritime Jurisdiction”).

3. See, e.g., *The Montello*, 87 U.S. (20 Wall.) 430, 439 (1874) (defining a river as navigable “when it forms by itself, or by its connection with other waters, a continued high-way over which commerce is, or may be, carried with other States or foreign countries in the customary modes in which commerce is conducted by water”); *The Daniel Ball*, 77 U.S. (10 Wall.) 557, 563 (1870) (“Those rivers must be regarded as public navigable rivers in law which are navigable in fact. And they are navigable in fact when they are used, or susceptible of being used, in their ordinary condition, as highways for commerce, over which trade and travel are or may be conducted in the customary modes of trade and travel on water.”). See also *Foremost Ins. Co. v. Richardson*, 457 U.S. 668, 674 (1982) (finding that cases involving the negligent operation

that expanded the constitutional provision from a grant of judicial competence to a federal power to provide substantive law.⁴ As a result of this jurisprudence, American maritime law applies generally to the Atlantic and Pacific Oceans, the Gulf of Mexico, the Great Lakes, and the Caribbean Sea. But most importantly, it applies to an inland lake between two states and to an inland stream connected to oceans a thousand miles away, that can be reached by those oceans with a form of water transportation. And it also means that if the matter is within the federal constitutional power over maritime matters, Congress and, in its default, the courts, may determine the substantive law that controls.⁵

Thus American maritime law is both comprehensive and preemptive. It also is fluid. Article III, Section 2 of the U.S. Constitution provides both legislative and judicial power.⁶ If a federal statute is enacted under Article III, Section 2, it preempts any otherwise conflicting state law.⁷ Even if there is no federal statute, the court may determine that the matter is “in admiralty” and apply a jurisprudential rule that differs from otherwise applicable state law.⁸ Nearly every lawyer must be aware of the possibility that a particular conflict

of a vessel have a sufficient connection to traditional maritime activity, a class of activities that includes maritime commerce, to support admiralty jurisdiction).

4. See, e.g., *Romero v. Int'l Terminal Operating Co.*, 358 U.S. 354, 360–61 (1959) (noting that Article III, Section 2, Clause 3 “empowered the federal courts in their exercise of the admiralty and maritime jurisdiction which had been conferred on them, to draw on the substantive law ‘inherent in the admiralty and maritime jurisdiction’”) (quoting *Crowell v. Benson*, 285 U.S. 22, 55 (1932)); *Chelentis v. Luckenbach S.S. Co.*, 247 U.S. 372, 382 (1918) (finding that states have no authority to change the general maritime law by operation of Article III, Section 2, Clause 3); *S. Pac. Co. v. Jensen*, 244 U.S. 205, 215 (1917) (citing *Workman v. New York City*, 179 U.S. 552 (1900); *Butler v. Bos. Savannah S.S. Co.*, 130 U.S. 527 (1889); *The Lottawanna*, 88 U.S. (21 Wall.) 558 (1874)) (“[I]n the absence of some controlling statute, the general maritime law, as accepted by the Federal courts, constitutes part of our national law, applicable to matters within the admiralty and maritime jurisdiction.”).

5. See *Exxon Shipping Co. v. Baker*, 554 U.S. 471, 489–90 (2008) (“[M]aritime law, . . . falls within a federal court’s jurisdiction to decide in the manner of a common law court, subject to the authority of Congress to legislate otherwise if it disagrees with the judicial result.”).

6. U.S. CONST. art. III, § 2, cl. 3. See *Panama R.R. Co. v. Johnson*, 264 U.S. 375, 386 (1924) (concluding that “there is no room to doubt that the power of Congress extends to the entire subject and permits of the exercise of a wide discretion”); *Butler*, 130 U.S. at 557 (arguing that the Constitution’s grant of admiralty jurisdiction extends to both the judiciary and legislative branches).

7. *Sprietsma v. Mercury Marine*, 537 U.S. 51, 62–63 (2002) (evaluating the wording of a preemption clause before determining that while the clause clearly preempted state laws and regulations, it did not preempt the state common law).

8. See *Jensen*, 244 U.S. at 217 (upholding a lower court’s finding that the death of a stevedore on land while unloading a boat was “maritime in its nature,” and finding that the uniformity requirements of admiralty made the state worker’s compensation statute invalid).

may fall within admiralty jurisdiction and must consider the impact of that jurisdiction over the outcome.

Moreover, the well-trained American law student and the practicing lawyer must not only know when a case may fall within admiralty jurisdiction, but also the law that admiralty jurisdiction may provide. At the same time, he or she must also know what the otherwise applicable state or federal law would provide. The student or lawyer must be able to argue that, although the case has a “salty flavor,”⁹ it may not be maritime, and thus, other federal law or state law generally will govern. He or she must understand that even though the matter is “in admiralty,” where there is no established American maritime law, the court must either establish such law or apply state law (the “maritime but local” doctrine),¹⁰ and, where there are multi-state contacts, that court must determine which state’s law should apply. He or she must be aware that some maritime claims may only be brought in federal court, sometimes without a jury, and that whether the claim is asserted in federal court or state court, if the matter is “in admiralty,” American admiralty law applies.¹¹ Finally, he or she must be aware that the substantive American admiralty rules governing the claims may vary greatly from otherwise applicable state law. One classic example is the statute of limitations. Nearly every state has statutes of limitation that may conclusively bar a claim. However, if the matter is “in admiralty,” there may be a different statute of limitations or, in some cases, no statute of limitations at all, taking the lawyer to the concept of laches.¹²

In sum, to the law student, lawyer, and jurist, knowledge of the rudiments of American admiralty law is essential in evaluating the case and in avoiding malpractice and judicial error.

The study of American admiralty law exposes the neophyte lawyer and law student to an overwhelming number of concepts that he or she must master, or at least understand, to achieve success as a lawyer. The first of these, of

9. Justice Harlan once famously declared that a case involving an insurance contract on a houseboat had “a more genuinely salty flavor” than commentators had suggested. *Kossick v. United Fruit Co.*, 365 U.S. 731, 742 (1961).

10. See *W. Fuel Co. v. Garcia*, 257 U.S. 233, 242 (1921) (allowing a state statute governing wrongful death to apply because the matter was “maritime and local in character”). See also Ernest A. Young, *The Last Brooding Omnipresence: Erie Railroad Co. v. Tompkins and the Unconstitutionality of Preemptive Federal Maritime Law*, 43 ST. LOUIS U. L.J. 1349, 1361–62 (1999) (arguing that the “maritime but local” doctrine is one of five frameworks that the Supreme Court adopts to explain when state law will apply and that there is very little guidance as to which framework will apply).

11. See *Offshore Logistics, Inc. v. Tallentire*, 477 U.S. 207, 221–22 (1986) (noting that claims can be brought in federal court or state court, but that the “reverse-Erie” doctrine requires that the states conform to maritime principles).

12. See *TAG/ICIB Servs. Inc. v. Pan Am. Grain Co.*, 215 F.3d 172, 175–76 (1st Cir. 2000) (finding that laches will bar the pursuit of a stale claim when there is no applicable statute of limitations).

course, is whether American or foreign law applies to the controversy. In some cases, the fact that the matter is maritime may dictate that foreign law, and not American law, should prevail in American courts.¹³ This often requires an understanding of international law and the impact and validity of treaties. Even where American law will prevail, American courts charged with the task of fashioning American maritime law may be inclined to have that law comport with the reasonable expectations of the law in other countries. Thus, as indicated earlier, the general maritime law is extremely important, but not controlling, in determining American maritime law.

There are many important legal concepts that one must master both in admiralty and in other areas of the law. Two important lessons to be learned in American admiralty law are the concepts of preemption and comity. Determining whether American maritime law applies may require an interpretation of statutes and, most importantly, a determination and appreciation of the societal policies that may lead a court to rule that maritime law should or should not apply. Where the grant to the federal sovereign of maritime jurisdiction does compel litigation in a federal court and/or application of a national substantive rule, a court generally may conclude that maritime law applies and preempts any otherwise applicable state law.¹⁴ Where the federal interests in the promotion of maritime shipping and commerce are not strong enough, however, a court may determine that although the matter is “in admiralty,” that law should not preempt the otherwise applicable law of a state with a great interest in the outcome of the controversy.¹⁵ Here, one may deem the issue “maritime but local,”¹⁶ and comity may dictate that the court apply state law. Where more than one state has an interest in the outcome, a court that has deemed the matter “maritime but local” applies the general principles of conflict of laws.¹⁷ In such a case, however, the conflict rule may not be a state rule but the federal admiralty conflicts rule.¹⁸

Importantly, the admiralty student must constantly delve into the societal policies that may be afoot in a given situation. The traditional ones, such as

13. See *Hellenic Lines Ltd. v. Rhoditis*, 398 U.S. 306, 308–09 (1970) (holding that a court must consider the national interest); *Neely v. Club Med Mgmt. Servs., Inc.*, 63 F.3d 166, 174 (3d Cir. 1995) (articulating a multi-factor test, and concluding that the test determined choice of law, not jurisdiction).

14. See *S. Pac. Co. v. Jensen*, 244 U.S. 205, 217–18 (1917) (holding that maritime law preempted state workers’ compensation remedies).

15. See *Yamaha Motor Corp. v. Calhoun*, 516 U.S. 199, 201–02 (1996) (holding where the plaintiff’s wrongful death claim arose out of a recreational jet ski accident, state wrongful death remedies were not completely displaced by maritime law).

16. *Id.* at 207 (citing *W. Fuel v. Garcia*, 257 U.S. 233, 242 (1921)).

17. See *Morcher v. Nash*, 26 F. Supp. 2d 758, 763–64 (D.V.I. 1998).

18. *Aqua-Marine Constructors, Inc. v. Banks*, 110 F.3d 663, 670 (9th Cir. 1997).

deterrence of undesirable conduct, encouragement of desirable conduct, and satisfaction of the community's sense of justice, come easily to mind. However, with maritime law, one must also consider other important policy issues, including what conduct is desirable and undesirable and what is considered just to those who "go down to the sea in ships"¹⁹ (or send their physical and financial fortunes "down to the sea").

The American admiralty student and lawyer must be introduced to, and become familiar with, some legally unusual and unique admiralty concepts and the extent to which those concepts differ from the general American law. Such things as limitation of liability (a version of partial instant bankruptcy)²⁰ and The Carriage of Goods by Sea Act²¹ are examples that must be understood.

Further, where a matter is deemed "in admiralty," even if state substantive law will apply, the student must delve into the procedural rules that govern admiralty claims.²² This requires a solid knowledge of federal court subject matter jurisdiction and includes not just federal question and diversity jurisdiction, but admiralty jurisdiction—i.e., a federal court has subject matter jurisdiction over the claim simply because it is a maritime claim.²³ In such cases, the existence of other federal substantive law or diversity of citizenship usually is irrelevant. When a maritime claim is brought in federal court on the basis of admiralty jurisdiction, the general Federal Rules of Procedure and Federal Rules of Evidence apply, but there are important procedures (such as the pure *in rem* action)²⁴ that may govern the outcome.

Even where the admiralty claim is brought in state court, certain federal admiralty procedural rules may apply in lieu of the state's general rule. In addition, much of the admiralty subject matter jurisdiction is exclusive, meaning that suit in some other court, or in federal court on some other basis of jurisdiction, will be improper and may not interrupt the running of the statute of limitations on the claims on which suit is brought.²⁵

19. *Seas Shipping Co. v. Sieracki*, 328 U.S. 85, 104 (1946) (Stone, C.J., dissenting).

20. Statutory limitations exist in admiralty to protect ship-owners from certain claims, debts, and liabilities. 46 U.S.C. §§ 30501–30512 (2006).

21. Carriage of Goods by Sea Act, ch. 229, 49 Stat. 1207 (1936) (current version at 46 U.S.C. § 30701 (2006)).

22. FED. R. CIV. P. SUPP. R. A–E.

23. 28 U.S.C. § 1333(1) (2006) ("The district courts shall have original jurisdiction, exclusive of the courts of the States, of: Any civil case of admiralty or maritime jurisdiction, saving to suitors in all cases all other remedies to which they are otherwise entitled.").

24. FED. R. CIV. P. SUPP. R. C.

25. *See Wilson v. Zapata Off-Shore Co.*, 939 F.2d 260, 268 (5th Cir. 1991) (finding that the Jones Act's statute of limitations is not tolled by filing a LHWCA claim).

I. WHEN TO TEACH ADMIRALTY

The first year, of course, is out. In the second year, the student should have acquired the skill and some of the background needed to fathom the numerous legal ramifications inherent in admiralty law. The preference may be the third year, since the student by that time should have a background in local substantive law (tort, contract, and worker injury claims), an exposure to federal courts and evidence, and a better grasp of the balance of societal policies that may govern the applicable rules of law.

One of the author's most effective classes in admiralty was composed of two kinds of students, the third-year law student and the practicing attorney. The attorneys (about one-third of the class) brought much enthusiasm, knowledge of the importance of the subject, and insight into the practical aspects of the process of litigation. This impressed upon many of the third-year students the importance of the subject and the need to continue the mastery of special subjects after law school.

In some law schools, the curriculum will encompass only a single course in American admiralty law or none at all. Some schools offer multiple courses, such as dividing maritime personal injury and carriage of goods into separate courses. A law faculty should take care, however, to ensure that the student has the opportunity to take the many other general courses that prepare him or her for general practice and for an understanding of all of the aspects of maritime law.

II. HOW TO TEACH ADMIRALTY

The materials used to teach admiralty may depend upon the kind of maritime law that the student can reasonably be expected to encounter as an attorney, generally in the geographical area of the particular law school or the area that the student reasonably may be expected to practice. In Louisiana, where maritime personal injury is of extreme importance and the cases comparatively are many, the classroom materials should emphasize admiralty torts and worker compensation (including, of course, seamen's remedies, the Longshore and Harbor Workers' Compensation Act (LHWCA)²⁶ and state worker compensation), and the interaction among these worker injury areas. In other areas where commercial maritime litigation is relevant, the materials generally should emphasize maritime contract law, primarily the carriage of goods through bills of lading (the Carriage of Goods by Sea Act²⁷ and the Harter Act²⁸) and by charter. There are a number of admiralty casebooks issued through national publishers, and the content varies with the teacher's

26. Longshore and Harbor Workers' Compensation Act, 33 U.S.C. §§ 901–950 (2006).

27. *See* Carriage of Goods by the Sea Act, 46 U.S.C. § 30701 (2006).

28. Act of Feb. 13, 1893 (the Harter Act), 46 U.S.C. §§ 30701–30707 (2006).

predilections and the type of maritime law that will be emphasized in the course. The preferable casebook includes an ample collection of all the materials, with a teaching manual that will aid the instructor in the emphasis and de-emphasis of certain materials during the course. Another good source is the literature, much of which is published regularly in admiralty and maritime journals. Of course, there is so much unresolved maritime law that the instructors should keep abreast of recent developments, such as United States Supreme Court decisions and new or amended federal maritime statutes.

There is a wealth of statutory material, both in admiralty tort law and admiralty contract law. The most important contract provisions can be reproduced in the textbook or may be gathered in a statutory supplement to the casebook. Where a statutory supplement is used, statutes that are of secondary importance and which may detract from the limited time available to the instructor and student for coverage of the basic and crucial materials should be eliminated. Some themes, such as "maritime but local," pervade many areas of admiralty law. The materials should emphasize, and the students should be instructed to compare and synthesize, the same theme (and policy choice) as it appears in entirely different areas of substantive American admiralty law.

Of course, the casebook method is essential. However, cases should be carefully selected and evaluated, with the footnotes that follow (or the introductions that precede them), also suggesting: 1) where the case opinion is written by the United States Supreme Court, any ramifications or extensions that are likely to arise; and 2) where the case is from a lower court, the extent to which the case represents the majority lower court view and whether there are any differing lower court views.

Because of the comprehensiveness of the subject and the importance of the student's understanding of the manner in which the various rules may apply, the problem approach, particularly near the end of the course, can be most helpful. Thus, a fact situation in which a key issue is whether water is navigable can be used to raise or promote discussion of other issues of maritime tort law, worker injury (seaman, LHWCA or state worker compensation) rules, and contract principles (repair or provision of goods and services).

The student and, unfortunately, the admiralty proctor often fail to distinguish between the substantive rules that govern maritime law and the applicable procedural requirements, including, primarily, subject matter jurisdiction. The distinction should be emphasized at the outset of the student's study of maritime law and reemphasized often during the course of study. For example, the introduction to the federal grant of admiralty power under Article III, Section 2 of the Constitution²⁹ should be followed by a

29. U.S. CONST. art. III, § 2, cl. 3.

discussion of the Judiciary Act of 1789.³⁰ The distinction should be emphasized again in discussing other aspects of maritime law, including the “maritime but local doctrine,” which bears heavily on substantive maritime law but generally is of less importance (and is not even used, terminology-wise), in the subject matter jurisdiction of the federal and state courts.

A student may achieve a better understanding of maritime law by being required to, or given the option to, prepare a written paper for all or part of the final grade. If the topic is controversial, the student may better appreciate the societal policies that drive the particular topic of maritime law and maritime law in general. The student also may be required to present a verbal summation of his topic and the conclusions he has reached, although such summations should be brief and should not be a mere recitation of the contents of the paper. Depending upon the topic, a student may be permitted to consult with a practicing attorney or judge, and may garner from this informal “mentor” a better appreciation of the topic and a better understanding of how admiralty law generally is treated “in the trenches.” The summations may be provided in advance to other students, who should be given the opportunity to critique the presentations and learn the subjects in greater depth.

Practicing attorneys and judges may also be of invaluable assistance in the teaching of certain topics of maritime law that impact heavily on the substance, such as the litigant’s selection of a judge or a jury. In some cases (such as admiralty jurisdiction under Title 28 U.S.C. § 1333),³¹ there is no choice. But in most cases, there may be a choice; that choice initially falls with the plaintiff, but in many cases the defendant has the option, primarily through removal. Even the student who has been exposed to removal in another course can benefit from the interesting removal issues often presented by maritime claims. In addition, the student here may be given some understanding of the predilections of juries and of judges as to certain types of claims in certain jurisdictions and of the need to ascertain, to the extent possible, the predilections of a particular judge. Of course, the student should be made cognizant of the perceived prepossessions to maritime law of the Supreme Court justices and judges of the applicable federal court of appeals or state supreme court.

A concomitant of this topic is forum selection, an important aspect of maritime practice. A thorough admiralty course should include limitations on choice of law and on choice of forum and the extent to which the litigants may make those selections by choice of courts or by pre-suit contract.

30. Judiciary Act of 1789, 1 Stat. 73, 76–77 (1789).

31. 28 U.S.C. § 1333 (2006); *See also* *Fitzgerald v. U.S. Lines Co.*, 374 U.S. 16, 20 (1963) (“[The Supreme] Court has held that the Seventh Amendment does not require jury trials in admiralty cases, . . .”) (citing *Waring v. Clarke*, 46 U.S. (5 How.) 441, 460 (1847)).

A course in maritime law may be structured in such a way as to give the student a better understanding of the concept of immunity. The maritime student should be exposed to international immunity and the American experience, including the Tate letter (in which the executive department determined whether a foreign sovereign was immune from suit in American courts),³² the subsequent Congressional restrictions on sovereign immunity,³³ and the current status of such immunity through judicial interpretation of the Congressional restrictions.³⁴ The waiver of federal sovereign immunity in maritime law (primarily the Suits in Admiralty Act³⁵ and the Public Vessels Act³⁶) provides a comparison for the general federal waiver of sovereign immunity through the Federal Tort Claims Act,³⁷ an often overlooked subject in law school. Similarly overlooked is the state's sovereign immunity in federal court, in the state's own courts, and in the courts of other states. This last issue provides another example of how the concept of comity often compels judicial decisions.

Learning and teaching American maritime law requires basic knowledge of many other aspects of law, including international law, federal constitutional law, the relationship between federal and state laws, and the myriad of state law rules that govern contracts, torts, and worker's injury claims. It also requires "landlubbers" like this author to develop a friendly relationship with the special rules that govern the operation of vessels on navigable waters. Equally important is the fact that many issues have not been resolved, and unprecedented events, such as the Gulf of Mexico explosion in April 2010,³⁸ generally will prompt significant statutory and jurisprudential changes in American maritime law. The admiralty student and the admiralty teacher

32. Letter from Jack B. Tate, Dep't Acting Legal Advisor, to Attorney Gen. Philip B. Perlman (May 19, 1952), *reprinted in* 26 DEP'T ST. BULL. 984, 985 (1952).

33. See The Suits in Admiralty Act, 46 U.S.C. §§ 30901–30918 (2006); The Public Vessels Act, 46 U.S.C. §§ 31101–31113 (2006) (waiving the United States's sovereign immunity from suits for admiralty claims). See also the Federal Tort Claims Act, 28 U.S.C. §§ 1346(b), 2671–2680 (2006) (waiving the sovereign immunity for tortious acts committed by federal employees). See also Foreign Sovereign Immunities Act of 1976, 28 U.S.C. §§ 1602–1611 (2006) (determining the extent to which American courts will give international sovereigns immunity).

34. See, e.g., *McCormick v. United States*, 680 F.2d 345, 349, 351 (5th Cir. 1982) (finding that any claim that can be brought under the Suits in Admiralty Act is barred under the Federal Tort Claims Act, and that the two year statute of limitations period in the Suits in Admiralty Act is subject to tolling); *China Nat'l Chem. Imp. & Exp. Corp. v. M.V. Lago Hualaihue*, 504 F. Supp. 684, 689–90 (D. Md. 1981) (holding that FSIA was intended to include claims arising out of collisions).

35. 46 U.S.C. §§ 30903–30918.

36. *Id.* §§ 31102–31113.

37. 28 U.S.C. § 2674.

38. See Matthew L. Wald, *Clarifying Questions of Liability, Cleanup and Consequences*, N.Y. TIMES, May 7, 2010, at A19.

(who, of course, is a perpetual student of the subject) always are presented with adequate challenges and the opportunity to apply his or her general knowledge of law to the particular maritime problem. It can be one of the most rewarding of legal accomplishments.

